

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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JONATHAN L. WAINWRIGHT,

Plaintiff,

v.

MEDICAL DEPARTMENT CUYAHOGA  
COUNTY CORRECTIONAL CENTER,  
*et. al*

Defendants.  
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CASE NO. 1:17-CV-1621

OPINION & ORDER  
[Resolving Doc. [29](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Jonathan L. Wainwright, *pro se*, brings a prisoner civil rights action under [42 U.S.C. § 1983](#) after a slip and fall in the prison shower. On February 23, 2018, Wainwright filed a motion to inspect evidence and documents.<sup>1</sup> In his motion, he asks for body camera video recordings and pool camera video recordings that show him slipping and falling in the prison shower.<sup>2</sup> He also asks for relevant incident reports.<sup>3</sup> Defendants oppose Wainwright’s motion.<sup>4</sup>

The Court views Wainwright’s motion as a motion to compel. Under [Federal Rule of Civil Procedure 37](#), a party can move to compel disclosure or discovery when another party fails to provide discovery requested under the civil rules. Any motion to compel must include a certificate stating that the movant has “in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.”<sup>5</sup>

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<sup>1</sup> Doc. [29](#).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Doc. [34](#); Doc. [37](#).

<sup>5</sup> [Fed. R. Civ. P. 37\(a\)\(1\)](#).

Case No. 1:17-CV-1621  
Gwin, J.

Plaintiff has not filed such a certificate with his motion to inspect evidence and documents. Plaintiff has also not shown that he actually served any discovery requests on Defendants under [Federal Rule of Civil Procedure 34](#), or that the Defendants failed to supply the requested discovery. Plaintiff must do these actions before requesting the Court's intervention.

Accordingly, the Court **DENIES** Plaintiff's motion to inspect evidence and documents.

IT IS SO ORDERED.

Dated: March 8, 2018

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE